

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRADLEY S. AUSTIN,

Plaintiff,

Case No. 07-CV-15127

vs.

HON. GEORGE CARAM STEEH

COUNTRYWIDE HOME LOANS,
INC., et al.,

Defendants.

_____ /

ORDER GRANTING DEFENDANTS' MOTION TO DISMISS [DOC. 55]

Defendants Sheriff Michael Bouchard, Clerk/Register of Deeds Ruth Johnson, and Oakland County ("Oakland County Defendants") have moved for dismissal of plaintiff Bradley S. Austin's complaint against them. In his complaint, plaintiff asserts that these defendants assisted the dismissed co-defendants in obtaining a foreclosure by advertisement of his ex-wife's home. The Court has already issued an order dismissing the rest of the defendants in this case. The Court has read the moving defendants' motion to dismiss and plaintiff's response, and has determined that oral argument would not aid the Court in making a decision on the motion.

Plaintiff's claim against the Oakland County Defendants is that they should be enjoined from allowing his eviction or the enforcement of the sheriff's sale against plaintiff. This is an issue that has been pending before the state court, and therefore, under the Rooker-Feldman doctrine this Court does not have jurisdiction to hear the

matter. Plaintiff has an opportunity to fully litigate this issue in the state courts, and may ultimately seek review in the United States Supreme Court, if he so chooses.

Plaintiff's other claims against the Oakland County Defendants allege violations of RICO. The Court has already determined that plaintiff has not plead conduct of an enterprise through a pattern of racketeering activity in dismissing the RICO claims against the other defendants. For the same reason, the RICO claims against the Oakland County Defendants are also dismissed.

IT IS HEREBY ORDERED that defendants' motion to dismiss is GRANTED.

Dated: November 18, 2008

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
November 18, 2008, by electronic and/or ordinary mail.

s/Josephine Chaffee
Deputy Clerk